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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/083, 952	05/22/98	SANSONE	R E-710

LM71/1105

EXAMINER

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ART UNIT	PAPER NUMBER
2761	3

DATE MAILED: 11/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/083,952	SANSONE, RONALD P.	
	Examiner	Art Unit	
	Thomas A. Dixon	2761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) Responsive to communication(s) filed on 22 May 1998.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 21-23, 25-32 is/are allowed.

6) Claim(s) 1-20, 24, 33 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:

1. received.

2. received in Application No. (Series Code / Serial Number) _____ .

3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) Notice of References Cited (PTO-892)

15) Notice of Draftsperson's Patent Drawing Review (PTO-948)

16) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

17) Interview Summary (PTO-413) Paper No(s) _____ .

18) Notice of Informal Patent Application (PTO-152)

19) Other: _____ .

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DETAILED ACTION

Drawings

1. This application has been filed with drawings which were objected to by the Draftsperson, and are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

See attached Notice of Draftsperson's Patent Drawing Review, form 948.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "step of processing the postal indicia by the post" of claim 33 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

3. The disclosure is objected to because of the following informalities:

- ✓ Page 1, line 4 refers to co-pending application by Attorney Docket Number, instead of Patent Application Number,
- ✓ page 7, line 2 contains the characters -(???)— which are confusing..

Appropriate correction is required.

Claim Rejections - 35 USC § 112 1st Paragraph

4. Claim 33 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "a method for paying for permit mail", does not reasonably provide enablement for "processing the postal indicia by the post". The specification does not enable any person skilled in the art to which it pertains, or with

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which it is most nearly connected, to practice the invention commensurate in scope with these claims.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19, 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "means for collecting records" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the step of printing variable information" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1, 2, 13, 14, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubbard (3,869,986).

As per Claim 1.

Hubbard ('986) discloses:

means for pre-printing information on a mail piece to produce a postal indicia,
see Figure 1, (30)

means for printing variable payment information within the postal indicia

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or within the vicinity of the postal indicia, see Figure 1, (38).

As per Claim 2.

Hubbard ('986) discloses all the limitations of Claim 1.

Hubbard ('986) further discloses first and second means are in different locations, see Figure 1 (16) and (40).

As per Claim 13.

Hubbard ('986) discloses all the limitations of Claim 1.

Hubbard ('986) further discloses the apparatus may be arranged in a manner similar to a postage meter, see Column 2, lines 30-33, a postage meter generally has a means for collecting payment for the printed variable payment information, ie. a descending register.

As per Claim 14.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) further discloses the apparatus may be arranged in a manner similar to a postage meter, see Column 2, lines 30-33.

As per Claim 15.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) further discloses the apparatus may be arranged in a manner similar to a postage meter, see Column 2, lines 30-33, a postal meter generally includes a means for recording payments for the printed postal indicia, ie. a descending register.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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7. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbard ('986) as applied to claim 1 above, and further in view of Connell et al (5,554,842).

As per Claim 3.

Hubbard ('986) discloses all the limitations of Claim 1.

Hubbard ('986) does not disclose pre-printed information is printed with a dual luminescent ink.

Connell et al ('842) teaches dual luminescent ink for printing indicia, see Column 3, lines 4-14, also column 4, lines 10, for the benefit of making it difficult to print fraudulent copies of the indicia. Any ink or toner may be used to print the indica, as a design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hubbard ('986) to use the dual luminescent ink taught by Connell et al ('842) for the benefit of making it difficult to print fraudulent copies of the indicia of a postal meter.

As per Claim 4.

Hubbard ('986) discloses all the limitations of Claim 1.

Hubbard ('986) does not disclose the variable information is printed with a dual luminescent ink.

Connell et al ('842) teaches dual luminescent ink for printing indicia, see Column 3, lines 4-14, also column 4, lines 10 for the benefit of making it difficult to print fraudulent copies of the indicia. Any ink or toner may be used to print the indica, as a design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hubbard ('986) to use the dual luminescent ink taught by Connell et al ('842) for the benefit of making it difficult to print fraudulent copies of the indicia of a postal meter.

As per Claim 5.

Hubbard ('986) discloses all the limitations of Claim 1.

Hubbard ('986) does not disclose the pre-printed information is printed with a fluorescent ink.

Connell et al ('842) teaches the use of fluorescent ink for printing indicia, see Column 3, lines 4-14, also column 4, lines 10 for the benefit of making it difficult to print fraudulent copies of the indicia. Any ink or toner may be used to print the indica, as a design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hubbard ('986) to use the fluorescent ink

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taught by Connell et al ('842) for the benefit of making it difficult to print fraudulent copies of the indicia of a postal meter.

As per Claim 6.

Hubbard ('986) discloses all the limitations of Claim 1.

Hubbard ('986) does not disclose the variable information is printed with a phosphorescent ink.

Connell et al ('842) teaches the use of phosphorescent ink for printing indicia, see Column 3, lines 4-14, also column 4, lines 10 for the benefit of making it difficult to print fraudulent copies of the indicia. Any ink or toner may be used to print the indica, as a design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hubbard ('986) to use the phosphorescent ink taught by Connell et al ('842) for the benefit of making it difficult to print fraudulent copies of the indicia of a postal meter.

As per Claim 7.

Hubbard ('986) discloses all the limitations of Claim 1.

Hubbard ('986) does not disclose the pre-printed information is printed with a phosphorescent ink.

Connell et al ('842) teaches the use of phosphorescent ink for printing indicia, see Column 3, lines 4-14, also column 4, lines 10 for the benefit of making it difficult to print fraudulent copies of the indicia. Any ink or toner may be used to print the indica, as a design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hubbard ('986) to use the phosphorescent ink taught by Connell et al ('842) for the benefit of making it difficult to print fraudulent copies of the indicia of a postal meter.

As per Claim 8.

Hubbard ('986) discloses all the limitations of Claim 1.

Hubbard ('986) does not disclose the variable information is printed with a fluorescent ink.

Connell et al ('842) teaches the use of phosphorescent ink for printing indicia, see Column 3, lines 4-14, also column 4, lines 10 for the benefit of making it difficult to print fraudulent copies of the indicia. Any ink or toner may be used to print the indica, as a design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hubbard ('986) to use the phosphorescent ink taught by Connell et al ('842) for the benefit of making it difficult to print fraudulent copies of the indicia of a postal meter.

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8. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbard ('986) as applied to claim 13 above, and further in view of Markl et al ('706).

As per Claim 16.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) does not disclose:

a scale coupled to the postage meter to weigh the mail piece; and
a rate table coupled to the meter so that the correct postage may be computed.

Markl et al ('706) discloses a scale coupled to a postage meter, see Figure1 (2), and a rate table, see Column 4, line 23 - Column 5, line 3 for the benefit of updating postal rates in a timely inexpensive way.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to utilize a scale and rate table as taught by Markl et al ('706) in the invention of Hubbard ('986) for the benefit of updating postal rates in a timely inexpensive way.

As per Claim 17.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) does not disclose a data center that is coupled to said collecting means so that additional funds may be remotely added to said means for collecting payment.

Markl et al ('706) discloses a data center for replenishing funds, see Column 4, line 23 - Column 5, line 3 for the benefit of updating postal rates in a timely inexpensive way.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to utilize a data center for replenishing funds as taught by Markl et al ('706) in the invention of Hubbard ('986) for the benefit of updating postal rates in a timely inexpensive way.

As per Claim 18.

Hubbard ('986) discloses all the limitations of Claim 13.

Hubbard ('986) does not disclose said means for collecting is a postal security device.

Markl et al ('706) discloses the use of chip cards as postal security devices, see Column 4, line 23 - Column 5, line 3 for the benefit of updating postal rates in a timely inexpensive way.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to utilize chip cards as postal security devices as taught by Markl et al ('706) in the invention of Hubbard ('986) for the benefit of updating postal rates in a timely inexpensive way.

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Allowable Subject Matter

9. Claims 9-12, 19, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. Claims 21-23, 25-32 are allowable.

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Conclusion

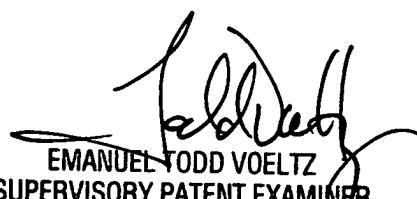
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz can be reached on (703) 305-9714. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for Official communications and (703) 304-0040 for Unofficial communications. Please notify the examiner above when faxing either Official or Unofficial documents, as these are community fax machines.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sansone (5,257,196) 10/1993, Wright et al (4,802,218) 1/1989.

TAD
November 3, 1999


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